

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1-5 were rejected under 35 U.S.C. 102(b) over U.S. Patent No. 5,172,220 to Beis. Claim 1 has been cancelled and claims 2 and 3 have been amended to depend from newly added claim 8. Claim 4 has been amended to better distinguish from the prior art. For the following reasons, the rejection has been rendered moot.

Regarding amended claim 4, Beis does not teach an optical filter switching means (claim 1) or a method step (claim 4) that switches between *a first optical filter and a second optical filter*, as required. Similarly, regarding claim 5, Beis does not teach an optical filter including a color filter and a black-and-white filter, as required. Beis describes a camera having both a black and white image sensor (4) and a color image sensor (11). A movable reflector (3, 3a) selectively reflects incoming light (2) from a lens (1) to one of the two image sensors (4,11). Beis teaches switching between two image sensors (4, 11), not switching between two optical filters, as in claim 4. The Examiner contends that a “color and black/white optical filter is provided on the respective image sensors 11 and 4 respectively.” Applicant respectfully disagrees. Beis provides no teaching of providing a filter on the black and white image sensor (4). Further, Beis specifically states that “The black-and-white sensing cells 53 are not provided with color filters.” Therefore, since every limitation of amended claim 4 is not taught by Beis, claim 4 and dependent claim 5 are patentable over Beis.

Claims 6 and 7 were rejected under 35 U.S.C. 103(a) over Beis in view of U.S. Patent No.

5,903,700 to Fukushima. For the following reasons, the rejection is respectfully traversed.

As explained above, Beis does not teach every limitation of claim 4, from which claims 6 and 7 depend. Fukushima also does not teach two optical filters, as required. Therefore, even if the references were combined, every limitation of the claims would not be taught.

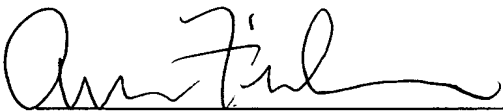
Regarding the newly added claim 8, and its dependent claims 2 and 3, they are patentable over the prior art of record for all of the reasons stated above with regard to claim 4.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33555.

Respectfully submitted,

PEARNE & GORDON LLP

By: 
Aaron A. Fishman, Reg. No. 44682

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: November 3, 2004